

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 18, 2003, and the references cited therewith.

Claims 36, 47, 52, 53, and 57 are amended, no claims are canceled, and no claims are added; as a result, claims 36-60 are now pending in this application.

§103 Rejection of the Claims

Claims 36-42, 47-51, and 53-60 were rejected under 35 USC § 103(a) as being unpatentable over Doan (U.S. Patent No. 5,229,331).

The rejection states that Doan discloses “a gate insulator (14, 18) having a thickness that is thinner than the height of the emitter tips.” However, Doan does not show a *single* gate insulator having a thickness that is thinner than a height of the number of cathode emitter tips.

In contrast, amended claims 36, 47, 52, 53, and 57 include a single gate insulator having a thickness that is thinner than a height of the number of cathode emitter tips.

Because the Doan reference, taken alone or in combination with knowledge in the art, does not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported. Reconsideration and withdrawal of the rejection is respectfully requested with respect to Applicant's independent claims 36, 47, 52, 53, and 57. Additionally, reconsideration and withdrawal of the rejection is respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

Allowable Subject Matter

Claims 43-46 and 52 were allowed over the prior art. Applicant acknowledges and thanks the Examiner for the indication of allowance regarding claims 43-46 and 52.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

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Serial Number: 09 145595

Dkt: 303.537 US1

Filing Date: September 2, 1998

Title: FIELD EMISSION DEVICES HAVING STRUCTURE FOR REDUCED Emitter TIP TO GATE SPACING

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

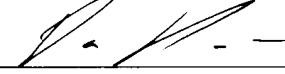
Respectfully submitted,

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By his Representatives,

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Date 8-18-03

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 16 day of August, 2003

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